IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADES
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

Thursday, the Ninth day of September, two thousand and four

Present:
THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 18998 OF 2003

Between:

Peeta Venkateswarlu S/o Pitchaiah, aged about 51 years, Occ: Secretary, PACS., Dhulipudi, R.o Dhulipudi, Nagaram Mandal, Guntur District.

Petitioner

And

1. The District Co-operative Officer, Guntur, Guntur District.
2. The General Manager, Guntur District Co-operative Bank, Guntur, Guntur District.
3. The Deputy Registrar of Co-operative Societies, Tenali Division, Tenali, Guntur District.
4. The Dhulipudi PACS., rep.by its Chair person Dhulipudu, Nagaram Mandal, Guntur, Guntur District.
5. The Manager, Guntur District Co-operative Central Bank Ltd., Repalle Branch, Repalle, Guntur District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd and 4th respondents in not considering the representation submitted by the petitioner dated 18-1-2002 and got issued a legal notice dated 29-10-2002 through an Advocate for payment of salary and allowances for the suspension period ie., from 14-7-1997 to 31-5-2001 inspite of the resolution passed by the 4th respondent is illegal, arbitrary, unconstitutional unjust and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to consider the representation dated 18-1-2002 and 20-10-2002 and to pay the salaries and allowances to the petitioner for the suspension period from 14-7-1997 to 31-5-2001.

For the Petitioner: Mr.B.Kamalakara Rao, Advocate.
For the Respondents 1 to 3: Mrs.A.Malathi, GP for Co-operation and Agriculture.
For the respondents 4 & 5 : Mrs.A.Malathi, Advocate.
The Court made the following :

ORDER:

The petitioner filed this Writ Petition against the action of the 4th respondent Co-operative society in not paying the subsistence allowance from 14-7-1997 to 31-5-2001.

I have held that the Primary Agricultural Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India amenable to the Writ jurisdiction in W.P.No.3171 of 2003 and batch dated 30-08-2004.

Accordingly, the Writ Petition is dismissed, with a liberty to the petitioner to approach the concerned authorities within two weeks from the date of receipt of copy of this order. No order as to costs.

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V.ESWARAIAH,J

Dt.09-09-2004.

Shr.

Asst. Registrar.

Copies to:

1. The District Co-operative Officer, Guntur, Guntur District.

2. The General Manager, Guntur District Co-operative Bank, Guntur, Guntur District.
3. The Deputy Registrar of Co-operative Societies, Tenali Division, Tenali, Guntur District (with a copy of order dt. 30-8-2004 in W.P.No.3171 of 2003).
4. The Dhulipudi PACS., rep.by its Chair person Dhulipudu, Nagaram Mandal, Guntur, Guntur District.
5. The Manager, Guntur District Co-operative Central Bank Ltd., Repalle Branch, Repalle, Guntur District.
6. Two CCS., to the GP for Co-op. and Agriculture.
7. Two CD copies.